

DWM, LLC

July 7, 2023

Tariff Advice Letter No. 3-198
Regulatory Commission of Alaska
701 West 8th Avenue, Suite 300
Anchorage, AK 99501

Re: Dillingham Waste Management, LLC
Rule 225 clarification

Dear Commissioners:

The tariff filing described below is transmitted to you by Dillingham Waste Management, LLC for filing in compliance with the Alaska Public Utilities Regulatory Act, (AS42.05) and 3 AAC 48.200–3 AAC 48.430 of the Alaska Administrative Code.

With this tariff filing, Dillingham Waste Management, LLC (DWM) submits a revised tariff sheet clarifying Rule 225.

DWM submits tariff sheets for approval of the revised Rule 225. The revised tariff sheets are as follows:

Tariff Sheet Number		Cancels Sheet Number		Schedule or Rule Number
Original	Revised	Original	Revised	
	11, 1st	10		Rule 225 Additional, Occasional, Unscheduled, or Bulky Material Pickup Service

This tariff filing will affect all 235 DWM customers. DWM currently has approximately 150 residential customers and approximately 85 commercial customers.

DWM requests an effective date as soon as possible.

In support of its request for permanent rate relief, DWM is filing the following documents:

- Attachment 1 – Current Rule 225, and a revised Rule 225 clarifying the rule.

Please consider our request:

1. The utility will suffer irreparable harm in the event the Rule 225 clarification and revision are not granted;
2. The ratepayers will be adequately protected; and
3. The request is not frivolous or obviously without merit.

This interim request is justified and should be allowed.

1. The utility will suffer irreparable harm in the event the interim rate relief is not granted. Current Court interpretations of our DWM Tariff Rule 225 will result in an ongoing erosion of the utility's equity.¹ This erosion of the equity position of the utility and its ability to meet ongoing obligations constitutes irreparable harm, such as the utility may cease to exist.
2. The ratepayers can be adequately protected in the event the permanent rate increase is less than the interim rate. The utility does and will to continue to maintain adequate billing records to ensure a refund of part or all of the Rule 225 rate.
3. The interim rate request is not frivolous or obviously without merit. The Utility cannot pay for the costs to dispose of customers' trash. The current court interpretation allows for \$25 per hour for one man which does not cover even the \$36 hourly rate paid the driver, let alone all other costs including dump fees at \$30 per cubic yard. We believe this clearly shows that the utility needs immediate rate relief.

Please contact the undersigned if you have any questions regarding this filing.

In addition, please add the following to the service list for this proceeding:

Jacques Smith



¹ See attached copy of a motion filed in Docket U-22-094 showing ruling by Dillingham superior court interpreting current Rule 225 contrary to DWM's understanding, to prohibit charging an amount per container, and instead require an entirely inadequate charge for additional, occasional or unscheduled pickups.

DWM, LLC
P.O. Box 97
Dillingham, Alaska 99576
(907) 350-9493

Mike Jungreis
Reeves Amodio, LLP
510 L Street, Suite 300
Anchorage, AK 99501
(907) 222-7100

Sincerely,

Delphine Smith
Bookkeeper
DWM, LLC P.O. Box 97
Dillingham, Alaska 99576
Telephone: 907-843-0396
corporate@dillinghamwaste.com

DILLINGHAM WASTE MGMT LLC**RULE 225 ADDITIONAL, OCCASIONAL, UNSCHEDULED PICKUP SERVICE**

The rates set forth below are based upon time consumed by the Utility for performing occasional or unscheduled pickups for customers.

In computing the time upon charges will be assessed, all time commencing when the Utility's vehicle is dispatched from its terminal to perform the move, until it returns to the terminal after having completed the move, will be included and charged for as provided.

Customers will also be charged \$16.00 per cubic yard and any increase in per cubic yard charges by the Dillingham municipal landfill over the \$30.00 per cubic yard charge in effect on July 1, 2023

STRAIGHT TIME CHARGES
(See Rule 125(EO and (C) Note 1)

SERVICE PROVIDED	RATE IN DOLLARS AND CENTS PER HOUR	MINIMUM CHARGE
Vehicle and one man	\$25.00	\$25.00
Each additional man	\$10.00	\$10.00
Can Pick up (per)	\$7.00	

Unscheduled pickup, \$47.00 plus applicable tax, compressible municipal solid waste

Unscheduled pickup, \$100 to \$600, non-compressible industrial or heavy waste.

Extras, truck time plus one driver \$200.00 per hour.

All of the above charges shall be subject to overtime charges as computed by the Utility for holidays and overtime services.

RULE 230 TIME RATES

Time Rates may be charged according to rule 225 as follows:

When the utilities equipment must wait at, or return, to a customer site to provide service due to no disability, fault, or negligence on the part of the utility. Actual waiting time or time taken in returning to the site will be charged for.

When material must be taken to a special site for disposal.

When the utilities equipment must wait at the disposal facility due to closures without notice, or other disposal facility delays due to no disability, fault, or negligence on the part of the utility.

When a customer orders a single, special, unscheduled, or emergency pickup, or when other items in this tariff refer to this item.

Time rates apply for the period from the time the utility vehicle leaves the utility base until it returns to the base, excluding interruptions, breakdown, or breaks.

Disposal fees are additional to Time Rates.